

DECLARATION OF EXPERIMENTAL USE

I, Joseph A. Zupanick, declare that:

1. I am over the age of 21 years, of sound mind, and competent in all respects to make this declaration.

2. I am an employee of CDX Gas, L.L.C. ("CDX Gas"), located in Pineville, West Virginia. My title is Manager of Facilities Engineering and Operations. I am the sole inventor of the below listed patent applications and have personal knowledge of facts relating to a development project at U.S. Steel Mining and CDX Gas that resulted in the applications:

<u>Serial Number</u>	<u>Inventor</u>	<u>Title</u>
09/197,687	Joseph A. Zupanick	METHOD FOR PRODUCTION OF GAS FROM A COAL SEAM
09/444,029	Joseph A. Zupanick	METHOD AND SYSTEM FOR ACCESSING SUBTERRANEAN DEPOSITS FROM THE SURFACE

3. I was employed by U.S. Steel Mining from the period of June 1981 to April 1998. My title at U.S. Steel Mining was Senior Mining Engineer. My duties while employed by U.S. Steel Mining included development of a coal seam degasification technique and general pre-mining and post-mining operations.

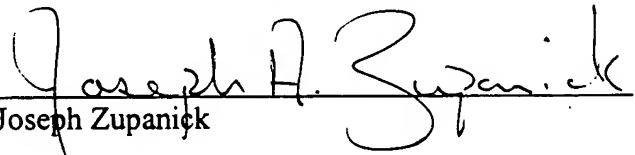
4. In April 1998, I joined CDX Gas as an employee. CDX Gas owned a coal bed methane gas lease associated with U.S. Steel Mining's coal production operations. After I joined CDX Gas as an employee, U.S. Steel Mining instructed CDX Gas to take over complete control of the coal seam degasification project.

5. Starting in May 1997 and continuing to the present, dual wells were drilled from the surface to subterranean coal seams to degasify the coal seams. The wells were drilled in the coal seams of U. S. Steel Mining and upon my employment with CDX Gas, were drilled by CDX Gas. A map identifying the locations and the approximate drill dates of dual wells drilled in 1997 and 1998, as well as 1999, is attached as Exhibit A ("Well Map").

10. Gas production, a primary indication of success of the wells, began on or about November 1998 for well 8FG-2, December 1998 for well 8FG-3, January 1999 for well 8FG-1 and May 1999 for well 8FG-1.5. Gas production charts for wells 8FG-1 through 8FG-4 are attached as Exhibit D in which the wells are labeled 8G-1 through 8G-4, respectively. For the first produced Upper Well, 8G-2 (8FG-2), successful degasification was evidenced on or about February 1999 with high gas recovery and a good initial recovery curve. Successful degasification for 8G-3 (8FG-3) was similarly evidenced on or about February 1999 with high gas recovery and a good initial gas recovery curve.

11. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of United States Code, and that such willful false statements may jeopardize the validity of the application identified above or any patents issuing thereon.

Respectfully submitted,

  
Joseph Zupanick

Date: NOVEMBER 14, 2000